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THE METROPOLITAN SEWER DISTRICT PRESENTS PLAN TO REMEDY SEWER BACK-UPS AND OVERFLOWS

Draft Global Consent Decree Presented to Court, County and City for Review

Cincinnati, October 7, 2003 – The remediation of Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs), and a comprehensive Water-In-Basement (WIB) response program are key components of the draft Global Consent Decree that the Metropolitan Sewer District of Greater Cincinnati (MSD) presented earlier today to the Board of County Commissioners and the Cincinnati City Council for review and approval. The City and County have until Dec. 4, 2003 to consider the Decree and submit it, or a revised version, to the United States District Court for the Southern District of Ohio, Western Division for approval.

The Global Consent Decree is the second and concluding portion of an extensive negotiation process among MSD, Hamilton County, the U.S. Department of Justice and the U.S. Environmental Protection Agency, the State of Ohio and the Ohio River Valley Water Sanitation Commission (ORSANCO) to minimize the discharge of sewage and untreated wastewater into the environment as required by the federal government's Clean Water Act. The first part of the agreement, the Interim Partial Consent Decree, was lodged with the court in February 2002 and focuses on the remediation of sanitary sewer overflows (SSOs) within the MSD sewershed. The proposed Global Consent Decree addresses the reduction of CSOs and WIBs, as well as the implementation of the Interim Partial Consent Decree.

"The Global Decree outlines a strategy and timeline for implementing many valuable improvements to our wastewater management system—improvements that will benefit our customers and benefit our environment," said MSD Director Patrick Karney, P.E., DEE.

The draft Global Consent Decree calls for the following:

- The design and construction of 23 pre-approved capital improvement projects aimed at reducing and eliminating CSO discharges
- An update to the combined sewer overflow Long Term Control Plan (LTCP) which will include comprehensive water quality testing, innovative water quality modeling, a cost/benefit analysis of various remedies and an extensive public review of proposed solutions
- Enhanced CSO Nine Minimum Controls (NMC), operational response and public notification measures
- \$5.3 million investment in local environmental enhancement projects such as in-stream habitat improvement on the Mill Creek, stream bank stabilization/greenway development, and brownfield remediation
- Payment of \$1.2 million in civil penalties to federal and state agencies

- A comprehensive WIB response program consisting of:
 - Rapid response procedures through which MSD would respond to WIB reports in a timely manner
 - Addition of a customer service staff and on-site representatives who would provide one-on-one assistance to people with a WIB issue and help them navigate through the clean-up and claims process
 - A clean-up service through which MSD would manage and/or coordinate the removal of standing water in homes and the disinfection and deodorization of affected areas
 - A property damage allowance and comprehensive reimbursement process
 - Installation of WIB prevention measures such as backflow prevention devices, isolation pumps and increased system capacity

"Under the proposed Water-In-Basement response program, we will be able to provide much-needed, immediate relief to those who experience WIBs. We also can begin taking steps to start preventing future WIB occurrences," said Karney. "Our goal is no more basement back-ups—period."

The Consent Decree has served as a means to negotiate with the federal government an enforceable plan of action to minimize, and in some cases eliminate, discharges from CSOs and SSOs – but on a scale and timeline manageable and affordable for MSD and its ratepayers. Striking an appropriate balance between the environmental impacts of sewer overflows and the economic impact of increased sewer rates is the centerpiece of the Global Consent Decree.

"Most cities across the nation are in the same situation Cincinnati is in concerning SSOs, CSOs and WIBs, including Miami, Baltimore, New Orleans, Honolulu, Toledo, Washington, D.C. and Atlanta to name a few," explained Karney. "Some have been better than others at managing the costs of remediation. Considering that many of us are still using systems that were initially built 175 years ago or more, the costs can be exorbitant. The system of checks and balances in the remedial planning process set out in the Global Decree reflects our successful efforts to convince the state and federal governments to be mindful of the economic impact on our community as we pursue environmental improvement."

Pending the agreement of Hamilton County, the City of Cincinnati and the Federal District Court for the Southern District of Ohio, costs for implementing the Global Consent Decree will be capped at \$1.5 billion through 2022.

"At this stage in the Decree process, the program's cost is hard to predict as its proposed components are still subject to review and approval," explained Karney. "Also, because the program will be implemented over an extended period of time, various expenditures may not be defined for many years to come. As such, related costs will fluctuate depending on the technology and materials ultimately selected to perform individual tasks. By putting an expenditure cap on the program though, we establish a firm framework in which we must work and an upper limit to the burden placed upon our ratepayers."

Program costs would be paid using MSD revenues over the next 19 years. While rate increases will be necessary, the amount is not yet known and will be determined by the Hamilton County Commissioners pending final approval of the Decree. MSD will work to reduce the impact on ratepayers by aggressively pursuing state and federal loans and grants, and the establishment of a national trust fund to help communities pay the increasing costs of repairing aging infrastructure and comply with expanding federal regulations.

Public Review Opportunities

Hamilton County and the City of Cincinnati will actively seek the local community's input before signing off on the draft Global Consent Decree. Comments received by the public will influence their decision to accept the Decree as currently proposed or to incorporate revisions prior to the Decree's submission to the court on Dec. 4. To solicit public input on the Decree, the following three community information meetings have been scheduled:

- Oct. 17, 11 a.m. – 1:00 p.m. at the Blue Ash Municipal Building and Safety Center
- Oct. 20, 5:30 p.m. – 7:30 p.m. at North College Hill Junior/Senior High School
- Oct. 27, 5:30 p.m. – 7:30 p.m. at the Lockland Municipal Building

In addition, a copy of the draft Global Consent Decree as well as additional supporting information will be posted on MSD's Web site at www.msdbg.org. Residents may review these materials and submit their comments for City and County consideration through this site.

The deadline for Hamilton County and the City of Cincinnati to sign-off on the proposed Global Consent Decree is Dec. 4, 2003, at which time it will be lodged with the United States District Court for the Southern District of Ohio, Western Division. During the following months, the proposed Decree will be reviewed by the court with additional public comment opportunities available in December and January. A final decision on the Decree is expected by early summer 2004. Any revisions made to the proposed Global Consent Decree during the review period will be subject to further negotiation with the Ohio EPA, U.S. EPA, U.S. Department of Justice and ORSANCO.

"MSD is proud to serve Hamilton County and is pleased with this opportunity to extend our services to members of our community. We look forward to all parties agreeing to the Decree so we can begin implementing positive changes for our wastewater management system and our customers," said Karney.

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Every day, the Metropolitan Sewer District of Greater Cincinnati (MSD) manages the effective collection and treatment of more than 200 million gallons of wastewater and actively maintains 3,000 miles of sanitary and combined sewers that run through the 49 municipalities and townships of Hamilton County. Owned by Hamilton County and operated by the City of Cincinnati, MSD is committed to continually maintaining and improving its wastewater collection and treatment systems for the betterment of both public and environmental health.